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AUG 24 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
David G. Worthy
Application No. 09/556,339
Filed: April 24, 2000
For: **BIAS COMPENSATING REMOTE
AUDIENCE SURVEY SYSTEM AND
METHOD**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition filed July 15, 2005 to withdraw holding of abandonment pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

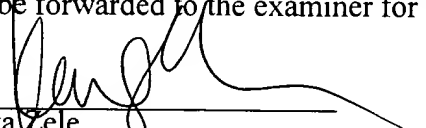
The application was abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed December 14, 2004. A Notice of Abandonment was mailed on June 24, 2005.

Petitioner asserts that a proper response was timely filed on June 16, 2005. In support of the petition, Petitioner has submitted, a copy of Applicant's reply including amendment, terminal disclaimer and petition for extension of time (3 months) and a date-stamped post card receipt evidencing receipt of the response within the United States Patent & Trademark Office (USPTO) on June 16, 2005.

The original correspondence filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.P.T.O. of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file. The fees submitted with the original response have been received and credited to the instant application.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for appropriate processing and entry of the amendment and terminal disclaimer. From there, the file will be forwarded to the examiner for further examination in due course.


Krista Zele
Special Program Examiner
Technology Center 2600
Communications